

AMHERST BOARD OF HEALTH

REGULATIONS GOVERNING EMISSIONS FROM SOLID FUEL BURNING DEVICES

Effective October 1, 1986

Section 1: **Purpose**

WHEREAS, the Board of Health finds that smoke emissions from wood burning stoves and similar solid fuel devices is a nuisance which threatens the health of people within the Town of Amherst, and

WHEREAS, the Board of Health finds that such emissions may be reduced by regulations limiting the permissible opacity of the smoke emitted from such devices.

THEREFORE, the Board of Health of the Town of Amherst, pursuant to Sections 31 and 31C of Chapter 111 of the Massachusetts General Laws, adopts the following regulations governing the opacity of smoke emissions from wood burning stoves and similar solid fuel devices, effective October 1, 1986.

Section 2: **Definitions**

- a) **Certified opacity observer** shall mean a person certified in accordance with the provisions of CFR Title 40, Part 60.
- b) **Opacity** shall mean the measure of the density of smoke as described in CFR Title 40, Part 60.
- c) **Owner or Operator** shall mean any person who owns, leases, operates, controls, or supervises a solid fuel burning device.
- d) **Solid fuel burning device** shall mean any fireplace, fireplace insert, wood stove, wood furnace, coal stove, coal furnace, or similar device which uses solid fuel for cooking, heating, or other purposes,

Section 3: **Regulation**

Smoke emissions from any solid fuel burning device shall not exceed 60% opacity for a period of two (2) minutes except during a fifteen (15) minute period following start up of the device.

Section 4: **Penalties**

Each violation of these Regulations reported by a certified opacity observer shall be punished, for a first offense, by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), and for a subsequent offense(s) by a fine of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00), levied against any owner or operator of a wood burning device

in violation of Section 3 of these Regulations. For the purposes of this Section, each day, or part thereof, violation of these Regulations or any order or rule of the Board of Health pursuant to these Regulations, whether continuous or intermittent, shall be construed as a separate and succeeding offense.

Section 5: **Appeal**

Any owner or operator subject to a finding of violation of these Regulations may appeal such finding by requesting a hearing before the Board of Health. Such appeal must be in writing and filed with the Health Department office within seven (7) days of the receipt of a notice of violation, excluding Saturdays, Sundays, and legal holidays.

Section 6: **Severability**

If any provision of these Regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.